

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 3, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 are pending in the Application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, the specification is objected to for containing references to the claims. In accordance with the Examiner's suggestions, the references to the claims in the specification are deleted herein. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

It is noted that as indicated in the Office Action, if non-patent material is incorporated by reference in the specification and is relied on in a claim to overcome an objection, the essential material must be added by amendment to the specification. The Applicants have elected to not include such an amendment at this time however respectfully reserve the right to incorporate such material at a future

time should such incorporation be desirable or required at such future time.

Regarding German Patent No. DE 10252662.1 and "Principles of Computerized Tomographic Imaging" (IEEE, New York, 1988) by Kak et al., an Information Disclosure Statement is being submitted to ensure that each of these references is considered by the Examiner. (US 20060153328 is a U.S. counterpart of DE10252662, cited in the specification.)

In the Office Action, the drawings are objected to because it is alleged that FIG. 9 is referenced in the specification, yet the description does not contain a description of items 51-55. It is believe that this objection is a clerical error in the Office Action since the specification does not contain a FIG. 9 or any reference thereto. Accordingly, withdrawal of the objection to the figures is respectfully requested.

Claims 1-13 are objected to for informalities. In accordance with the helpful suggestions contained in the Office Action, the claims are amended to cure the noted informalities. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Claims 8-13 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Without agreeing with the Examiner, and to expedite allowance of the present application, Applicants have elected to amend the claims to more clearly state the invention. Clearly claims 8-13 require statutory subject matter. Accordingly, it is respectfully requested that the amendment to the claims be entered and that the rejection of claims 8-13 under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,470,067 to Harding ("Harding") in view of "Filtered Back-Projection Reconstruction Technique for Coherent-Scatter Computed Tomography" by Van Stevendaal et al. (Van Stevendaal), 15 May 2003, Medical Imaging 2003: Image Processing, SPIE Volume 5032, pages 18 10- 18 19). Claim 13 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over Harding in view of Van Stevendaal in further view of U.S. Patent No. 6,529,575 to Hsich ("Hsich"). It is respectfully submitted that claims 1-13 are allowable over Harding in view of Van Stevendaal alone and in view of Hsich for at least the following reasons.

Harding shows a computer tomography apparatus that utilizes a single type of detector element 16 arranged in a two-dimensional array of rows and columns of this one-type of detector element (See, FIGs. 1 and 3 and the accompanying description contained in Col. 3, lines 2-12 and Col. 4, lines 5-39). Similarly, Van Stevendaal utilizes a similar one-type of detector element arranged in rows and columns (see, page 1817, second full paragraph).

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Harding in view of Van Stevendaal. For example, Harding in view of Van Stevendaal does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added) "a detector comprising an energy resolving detector element positioned offset from a primary radiation path and a scintillator detector element positioned along the primary radiation path, wherein the energy resolving detector element is configured to acquire a spectrum; ... wherein the data processor is adapted to perform the following operation: determining a wave-vector transfer by using the spectrum; determining a reconstruction volume using the wave-vector transfer and data from the scintillator detector element" as recited in claim 1, and as

similarly recited in each of claims 5, 8 and 13. In fact, each of Harding and Van Stevendaal utilize a two-dimensional array of one-type of detector element. Hsich is introduced for allegedly showing another element of the claims and as such, does nothing to cure the deficiencies in Harding and Van Stevendaal.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5, 8 and 13 are patentable over Harding in view of Van Stevendaal and notice to this effect is earnestly solicited. Claims 2-4, 6-7 and 9-12 respectively depend from one of claims 1, 5 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become

necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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